

Main Office

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Southern California Regional Office

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Via Facsimile (916) 227-6282

May 17, 2016

State Of California
Department Of Transporation
1727 30th Street, Bidder Exchange, MS 43
Sacramento CA 95816-8041

Attn: Jill Y. Sewell, Office Chief, Office Engineer, Construction Contract Awards

Re: Contract No. 07-2159U4

Route 5 From Artesia Blvd UC To North Fork Coyote Creek, Buena Park

BID PROTEST

Ladies/Gentlemen:

Please consider this letter to be a formal protest of the bid submitted by Security Paving Company, Inc, and Shimmick Construction Company, Inc, the apparent low bidder and third bidder, respectively, in connection with Contract No. 07-2159U4. MCM Construction, Inc. is the second lowest bidder.

SECURITY'S DBE COMMITMENT FORM IS NOT CONSISTENT WITH SUBCONTRACTOR LIST The instructions on the DBE Commitment form state "The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List".

Security identified items of work for DBE subcontractors Diversified Landscape Company and Tipco Engineering on the DBE Commitment form that are not consistent with Security's bid day Subcontractor List for these respective subcontractors.

Security's bid day listing of Diversified Landscape was for Items 44 and 94 through 130. Security identified Diversified Landscaping on the DBE Commitment form for several items but not including Items 94, 96, 97, 98, 99, 100, 101, 102, and 103 all of which are items for which Diversified was listed on bid day. Accordingly, the DBE Commitment form for Diversified Landscape is not consistent with Security's Subcontractor List.

Security's bid day listing of Tipco Engineering was for Items 142, 143, and 145 through 150, all pile items. Security identified Tipco Engineering on the DBE Commitment form for one additional pile item, Item 144, which Security did not include on their bid day Subcontractor List. The inclusion of the additional item changes the scope of work to be performed by Tipco and constitutes a change that is not consistent with the Subcontractor List form.

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Jill Y. Sewell, Office Chief, Office Engineer, Construction Contract Awards
State Of California, Department Of Transportation
May 17, 2016

Re: 07-2159U4 Bid Protest

Since Security's DBE Commitment form is not consistent with their Subcontractor List, Security's bid is nonresponsive. Caltrans has found numerous bids nonresponsive when the DBE Commitment form is not consistent with the Subcontractor List, including, but not nearly limited to, Contract 06-0T6504 by attached letter dated April 27, 2016, Contract 02-4E6404 by attached letter dated April 19, 2016, Contract 04-1J3204 by attached letter dated November 13, 2015, and Contract 04-0G2214 by attached letter dated August 14, 2015.

SHIMMICK'S DBE COMMITMENT FORM IS NOT CONSISTENT WITH SUBCONTRACTOR LIST Again, the instructions on the DBE Commitment form state "The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List".

Shimmick's bid day listing of Diversified Landscape was for Items 44 and 94 through 100. Shimmick identified Diversified Landscaping on the DBE Commitment form for several items but not including Items 94, 96, 97, 98, 99, 100 all of which are items for which Diversified was listed by Shimmick on bid day. Shimmick also listed an additional 30 items on its DBE Commitment form to be performed by Diversified Landscape which were not included on Shimmick's bid day Subcontractor List for Diversified Landscape, specifically Items 101 through 130, inclusive. The inclusion of these additional 30 items changes the scope of work to be performed by Diversified Landscape and constitutes a change that is not consistent with Shimmick's Subcontractor List.

Since Shimmick's DBE Commitment form is not consistent with their Subcontractor List, Shimmick's bid is nonresponsive. Caltrans has found numerous bids nonresponsive when the DBE Commitment form is not consistent with the Subcontractor List, including, but not nearly limited to, Contract 06-0T6504 by attached letter dated April 27, 2016, Contract 02-4E6404 by attached letter dated April 19, 2016, Contract 04-1J3204 by attached letter dated November 13, 2015, and Contract 04-0G2214 by attached letter dated August 14, 2015.

CONCLUSION

Given all the above, Caltrans should find the bid of Security Paving Company, Inc. and Shimmick Construction Company, Inc. nonresponsive and award Contract 07-2159U4 to MCM Construction, Inc, the lowest responsive and responsible bidder.

Page 3 Jill Y. Sewell, Office Chief, Office Engineer, Construction Contract Awards State Of California, Department Of Transportation May 17, 2016

Re: 07-2159U4 Bid Protest

Please contact the undersigned, should you have any questions or comments.

Sincerely,

MCM CONSTRUCTION, INC.

RICHARD McCALL Vice President

/rm

Enclosures

JAC, HDM, JRC, RDB, Bid File Cc:

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 07-215904 Project ID: 0715000160

Bidder Name: Security Paving Company, Inc.

DES-OE-0102.2C (REV 03/2015)

Bidder ID: VC0000021062

Bidding Firm: Security Paving Company, Inc.

List this sub? Yes

7) Business Name Diversified landscape co.
Location City Wildomar State CA
California Contractor License Number 576183
Public Works Contractor Registration Number 1000009249
Portion of Work Subcontracted:

Description

List this sub? Yes

8) Business Name Diversified Landscape Co Location City Wildomar State CA California Contractor License Number 576183 Public Works Contractor Registration Number 1000009249 Portion of Work Subcontracted:

Description

List this sub? Yes

9) Business Name Diversified Landscape Co Location City Wildomar State CA California Contractor License Number 576183 Public Works Contractor Registration Number 1000009249 Portion of Work Subcontracted:

Description

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-2159U4 Project ID: 0715000160 Bidder Name: Security Paving Company, Inc.

Bidder ID: VC0000021062

DES-OE-0102.2C (REV 03/2015)

Bidding Firm: Security Paving Company, Inc.

List this sub? Yes

10) Business Name Diversified Landscape Co Location City Wildomar State CA California Contractor License Number 576183 Public Works Contractor Registration Number 1000009249 Portion of Work Subcontracted:

Item %

108 100

109 100

110 100

111 100

112 100

List this sub? Yes

11) Business Name Diversified Landscape Co Location City Wildomar State CA California Contractor License Number 576103 Public Works Contractor Registration Number 1000009249 Portion of Work Subcontracted:

Item %

113 100

114 100

115 100

116 100

117 100

List this sub? Yes

12) Business Name Diversified Landscape Co Location City Wildomar State CA California Contractor License Number 576183 Public Works Contractor Registration Number 1000009249 Portion of Work Subcontracted:

Item &

118 100

119 100

120 100

121 100

122 100

Description

Description

Description

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-215904 Project ID: 0715000160

Bidder Name: Security Paving Company, Inc.

Bidder ID: VC0000021062

DES-OE-0102.2C (REV 03/2015)

Bidding Firm: Security Paving Company, Inc.

List this sub? Yes

13) Business Name Diversified Landscape Co
Location City Wildomar State CA
California Contractor License Number 576183
Public Works Contractor Registration Number 1000009249
Portion of Work Subcontracted:

Item %

123 100

124 100 125 100

126 100

127 100

List this sub? Yes

14) Business Name Diversified Landscape Co
Location City Wildomar State CA
California Contractor License Number 576183
Public Works Contractor Registration Number 1000009249
Portion of Work Subcontracted:

Item %

128 100

129 100

130 100

List this sub? Yes

15) Business Name A M CONCRETE, INC.
Location City Sylmar State CA
California Contractor License Number 446850
Public Works Contractor Registration Number 1000006525
Portion of Work Subcontracted:

Item &

Description

Description

Description

236 100

237 100

238 100

239 100

240 100

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION DBE - COMMITMENT DES-0E-0102100 (REV 12/2014)

BID AMOUNT:	07-215944 39,567,930 !! 4/27/16			
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		C 5110, C72001	Wildomer CA 92543	
		C7215, C7301	(951) 245-1686	
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STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION Concract No.: 07-2159U4 Project ID: 0715000160

Bidder Name: Security Paving Company, Inc. Bidder ID: VC0000021062

ADDITIONAL SUBCONTRACTOR LIST 2 DES-OE-0102.2C (REV 03/2015)

Bidding Firm: Security Paving Company, Inc.

List this sub? Yes

31) Business Name TIPCO ENGINEERING INC Location City Bellflower State CA California Contractor License Number 928364 Public Works Contractor Registration Number 1000005156 Portion of Work Subcontracted:

Item &

142 100

143 100

145 100 146 100

147 100

List this sub? Yes

32) Business Name TIPCO ENGINEERING INC Location City Bellflower State CA California Contractor License Number 928364 Public Works Contractor Registration Number 1000005156 Portion of Work Subcontracted:

Item %

148 100

149 100

150 100

List this sub? Yes

33) Business Name MALCOLM DRILLING COMPANY, INC. Location City San Francisco State CA California Contractor License Number 259543 Public Works Contractor Registration Number 1000003389 Portion of Work Subcontracted:

Item & 144 100

Description

Description

Description

STATE OF CALIFOR	NIA - DEPARTMENT	F TRANSPORTATION
DBE - COMM	ITMENT	
DES-DE-0102100	(REV 12/2014)	

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STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 07-2159U4 Project ID: 0715000160

Bidder Name: Shimmick Construction

DES-OE-0102.2C (REV 03/2015)

Bidder ID: VC0000101072

Bidding Firm: Shimmick Construction

List this sub? Yes

10) Business Name Harber Companies, Inc.
Location City San Bernardino State CA
California Contractor License Number 657614
Public Works Contractor Registration Number 1000005455
Portion of Work Subcontracted:

Item % 71-75 100

Description

List this sub? Yes

11) Business Name Diversified Landscape Co.
Location City Wildomar State CA
California Contractor License Number 576183
Public Works Contractor Registration Number 1000009249
Portion of Work Subcontracted:

Item % 44 100 94-100 100

Description

List this sub? Yes

12) Business Name All American Asphalt
Location City Corona State CA
California Contractor License Number 267073
Public Works Contractor Registration Number 1000001051
Portion of Work Subcontracted:

Item % 134 100

Description

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135 100

137 100

138 100

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95	Rock blanket		\$1,005,000.00
104	Check and test existing irrigation facilities	es.	\$1,820.00
106	Control and neutral conductors		\$16 100,00
107	1" Remote control valve		56.720.00
108	1 1/2" Remote control valve	· · · · · · · · · · · · · · · · · · ·	\$3,690.00
109	2" Remote control valve		\$880.00
110	8 Station irrigation controller (wall mount	ed)	\$5 250.00
111	16-18 station irrigation controller (wall mo	ounted)	\$11.720.00
112	1" Galvanized steel pipe		\$1,012.00
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		Daniel Cano	יסר יפנון בשפטונעניים
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Diversified Landso	ape Co.	***************************************	
Daniel Cano			
DBE certification number.	- v		
9022 Name of Median.			
Shimmick Construction	n Ca Ina		
Name at prime authorized if		·	
Vame of representative of b	rades of service control.		
Date.	· · · · · · · · · · · · · · · · · · ·		
Big deal number	Hem of mark and rescription of sociates to be authornit	acted or that terals to be provided	Amount (9)
113	2" Galvaanized steel pipe		\$2,280,00
114	Irrigation controller enclosure cabinet		\$9,570.00
115	1" Backflow preventer assembly		54,400.00
116	2" Backflow preventer assambly	N/1/M	\$9,700.00
117	Flow sensor	FAR disk of 18 2 8. 1	\$3,510.00
118	Riser sprinkler assembly	**************************************	\$7,068.00
119	Riser sprinkler assembly		\$7,700.00
120	Pop-up sprinkler assembly		\$8,844.00
121	2" gate valve		\$1,410.00
122	6" gate valve		\$1.350.00
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123	3/4" Plastic pipe (schedule 40) (supply	line)	\$23,533.75
124	1" Plastic pipe (schedule 40) (supply lin	10)	\$9,240.00
125	1 1/4" Plastic pipe (schedule 40) (suppl	ly line)	39,818.50
126	1 1/2" Plastic pipe (schedule 40) (suppl		\$15,724.40
127	2" Plastic pipe (schedule 40) (supply lin	e)	\$22,264.20
128	6" Plastic pipe (schedule 40) (supply	(fine)	\$36,600.00
129	Ball valve	1.11 1 1 100	\$2.640.00
130	G" Welded steel pipe conduit	www.nn v .n	\$26,400.00
339	Mobilization (partial)		\$11,800.00
105	Operate existing irrigation facilities		\$12.10C
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STATE OF CALIFORNIA-CALIFORNIA STATE TRANSPORTATION AGENCY

ROMUND G. BROWN Jr. GOVERNOR

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
1727 30th STREET, MS-43
P.O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
TTY 711
www.dol.ca.gov



Serious droughs. Help save water!

April 27, 2016

Jason Papich, President
Papich Construction Company, Inc.
P.O. Box 2210
Pismo Beach, CA 93448

Facsimile: (951) 674-7495

06-0T6504 06-Fre-5-10.0/20.0 B.O. 4/19/16

Dear Mr. Papich:

The Department of Transportation (Caltrans) received a bid submitted by Papich Construction Company, Inc. (Papich) for the above referenced contract on April 19, 2016. By this letter, Caltrans notifies Papich that its bid is nonresponsive because of an inconsistent Disadvantaged Business Enterprise (DBE) Commitment form and Subcontractor List form.

The instructions on the DBE Commitment form states: "Names of the First Tier DBE subcontractors and their items of work must be consistent with the Subcontractor List."

On the Subcontractor's List form, Papich identified Super Seal & Strip (Super Seal) as performing work described as bid items 3, 15, 16, 17, and 18. However, on the DBE Commitment form Papich listed Super Seal as performing the same bid items and included bid items 19 and 20. The inclusion of these additional items changes the scope of work to be performed by Super Seal and constitutes a change that is not consistent with the Subcontractor List form.

Based on the above, Caltrans finds Papich is nonresponsive. Caltrans will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

Your attention is directed to Section 3-1.04 of the 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,

TILL Y. SEWELL

Office Chief

Office Engineer, Construction Contract Awards

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMLIND G. BROWN Jr. Governor

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
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SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
TTY 711
WWW.dot.ca.gov



Serious drought. Help save water!

April 19, 2016

Kevin Ramstrom, President Steelhead Constructors, Inc. P.O. Box 997 Palo Cedro, CA 96073 Facsimile: (530) 226-6401

02-4E6404 02-Plu-147-8.9/9.3 B.O. 3/30/16

Dear Mr. Ramstrom:

The Department of Transportation (Caltrans) received a bid submitted by Steelhead Constructors, Inc. (Steelhead) for the above referenced contract on March 30, 2016. By this letter, Caltrans notifies Steelhead that its bid is nonresponsive because of an inconsistent Disadvantaged Business Enterprise (DBE) Commitment form and Subcontractor List form.

The instructions on the DBE Commitment form states: "Names of the First Tier DBE subcontractors and their items of work must be consistent with the Subcontractor List."

On the Subcontractor's List form, Steelhead identified Dirt & Aggregate Interchange, Inc. (D&A) as performing work described as bid items 80, 81, 82, 83, and 84. However, on the DBE Commitment form Steelhead listed D&A as performing the same bid items and included bid items 24, 28, 58, 78, and 79. The inclusion of these additional items changes the scope of work to be performed by D&A and constitutes a change that is not consistent with the Subcontractor List form.

Based on the above, Caltrans finds Steelhead is nonresponsive. Caltrans will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

Your attention is directed to Section 3-1.04 of the 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincercly.

JBFF DEFEVERE

Office Chief

Office Engineer, Construction Contract Awards

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

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Help save woter!

November 13, 2015

Robert O. Valentine, President Valentine Corporation 111 Pelican Way San Rafael, CA 94901 Facsimile: (415) 457-5820

04-1J3204 04-Son-116-13.7 B.O. 10/29/15

Dear Mr. Valentine:

The Department of Transportation (Caltrans) received a bid submitted by Valentine Corporation (Valentine) for 04-1J3204 on October 29, 2015. By this letter, Caltrans notifies Valentine that its bid is nonresponsive because of an inconsistency found in the Subcontractor List and the Disadvantaged Business Enterprise (DBE) Commitment form.

The DBE Commitment form states in part, "...names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable, with the names and items of work on the Subcontractor List form submitted with your bid."

On the Subcontractor List form, Valentine identified Nitta Erosion Control (Nitta) as performing bid items 15, 59, 60-65 (Temporary Hydraulic Mulch, Move-in Move-out Erosion Control, Rolled Erosion Control Product (netting), Hydromulch, Fiber Rolls, Straw, Hydroseed, and Compost). However, on the DBE Commitment form, Valentine listed Nitta to perform bid items 50-58 (Plant (Group H), Plant (Group B), Plant Establishment Work, Wood Mulch, Riser Sprinkler Assembly, Carn Coupler Assembly, 1" Plastic (Schedule 40) (Supply Line), 1-1/2" (Schedule 40) (Supply Line), and Pressure Regulating Valve). The addition of these bid items changes the description of work to be performed Nitta and constitutes a change that is not consistent with the Subcontractor List form.

Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder.

Your attention is directed to Section 3-1.04 of the Revised 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

If you have any questions, please contact Mulissa Smith, Contract Awards Manager, at (916) 227-6228.

Sincerely.

Deputy Division Chief

Office Engineer

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

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DEPARTMENT OF TRANSPORTATION

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Serious drought. Help save water!

August 14, 2015

Greg Gruendl, President Ray's Electric 411 Pendleton Way, Suite B Oakland, CA 94621 Facsimile: (510) 577-7706

04-0G2214 04-Ala,CC-13, 24, 61, 160, 580 & 680-Var B.O. 7/29/15

Dear Mr. Gruendl:

The Department of Transportation (Caltrans) received a bid submitted by Ray's Electric (Ray's) for Contract 04-0G2214 on July 29, 2015. By this letter, Caltrans notifies Ray's Electric that its bid is nonresponsive because of an inconsistency found in the Subcontractor List and the Disadvantaged Business Enterprise (DBE) Commitment form.

The DBE Commitment form states in part, "...names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable, with the names and items of work on the Subcontractor List form submitted with your bid."

On the Subcontractor List form, Ray's Electric has identified Traffic Control Pros as only performing bid items 2, Construction Area Signs and 3, Traffic Control System.

However, on the DBE Commitment form, Ray's Electric included bid item 4, Portable Changeable Message Sign. The inclusion of bid item 4 changes the description of work to be performed by Traffic Control Pros and constitutes a change that is not consistent with the Subcontractor List form.

Based on the above, Caluans will proceed to award the contract to the lowest responsible bidder.

Your attention is directed to Section 3-1.04 of the Amendments to the 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

If you have any questions, please contact Mulissa Smith, Contract Awards Manager, at (916) 227-6228.

Sincerely.

JOHN C. McMILLAN Deputy Division Chief

Office Engineer